

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHERRY CALHOUN,

Plaintiff,

v.

DAVID SCHALDACH,
CHARLES ADMUNDSON
and JOHN CRAM,

Defendants.

ORDER

08-cv-194-bbc

Defendant David Schaldach has filed a petition for a writ of habeas corpus ad testificandum for the trial in this case beginning on October 12, 2009. In addition, he requests permission to wear street clothes during the trial and to appear without restraints during proceedings. Although I approved the proposed order filed by defendant granting these requests, dkt. #35, two clarifications are needed.

First, I overlooked a misunderstanding in the defendant's proposed order, which is that the United States Marshals are responsible for transporting defendant to this court. Defendant is in the custody of the Wisconsin Department of Corrections. Even when a state prisoner appears at a federal trial, the state retains custody over that prisoner during trial

proceedings. Thus, it is state officials who are responsible for transporting defendant to this court.

Second, although I have approved defendant's request to wear street clothes, it is counsel's responsibility to provide him with those clothes. Any clothes that defendant wishes to wear during trial should be brought to the Marshal's office in Madison by Friday, October 9, so that they may be screened for security purposes.

ORDER

IT IS ORDERED that the Clerk of Court is directed to issue a writ of habeas corpus ad testificandum for the attendance of defendant David Schaldach (#530099) at trial beginning on October 12, 2009. Defendant is currently incarcerated at the Dodge Correctional Institution in Waupun, Wisconsin. Defendant should arrive at the courthouse no later than 8:00 a.m.

Entered this 5th day of October, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge